



*Id.* Plaintiff/Counterclaim Defendant Mid-America Bank & Trust Company (“Mid-America”) opposes. (Doc. #180).

Rule 19 instructs when a party must be joined, stating, in relevant part, a party must be joined if: “(A) in that person’s absence, the court cannot accord complete relief among existing parties; or (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person’s absence” would either impede the person’s ability to protect the interest or expose an existing party to a risk of incurring multiple or inconsistent obligations. Middle America has failed to demonstrate the above requirements are met.

No evidence presented indicates that Middle America will not be able to achieve the full and complete relief if seeks in its counterclaim against Mid-America if the Board Members are kept from being named as counterclaim defendants. Further, no evidence presented indicates that any of the Board Members claim an interest in the case. Under Rule 19, the Board Members are not “necessary parties” who must be added as counterclaim defendants.

Because Middle America has failed to demonstrate full relief will be unavailable in the Board Members’ absence or that any of the Board Members claim an interest in the present case, Middle America’s Motion to Join Additional Parties is **DENIED**.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Gary A. Fenner  
Gary A. Fenner, Judge  
United States District Court

DATED: November 18, 2009

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<sup>2</sup>Middle America’s Motion to Join Additional Party Ralph N. Gates (Doc. #124) is **DENIED** as moot.